

REMARKS

Status of the claims:

With the above amendments, claims 1, 2, and 5-10 have been amended and claim 20 has been added. Claims 1-20 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. Claims 1, 2, and 5-9 have been amended by changing the transitional language from "comprising" to "consisting of". Support for this amendment can be found at page 11, lines 16-20. Claim 10 has had a period added to the end of the claim. Claim 20 is the same as original claim 1. Reconsideration is respectfully requested in light of the following remarks.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner asserts that the language "wherein the compound represented by formula (AI) of (3)" is indefinite because there is insufficient antecedent basis for this element. Applicants have amended claim 6 so that it now depends upon claim 5, and have removed the phrase "of (3)". Applicants submit that there is support for this at page 6, second to last line of the written

description. Applicants believe that with this amendment the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

#### Rejections Under 35 U.S.C. § 102

Claims 1-19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hioki '894 (US Patent No. 6,582,894).

Claims 1-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Parton '893 (US Patent No. 6,558,893).

Claims 1-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Parton '770 (EP 0 887 700).

Claims 1-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vishwakarma '738 (US Patent No. 5,288,738).

These rejections are traversed for the following reasons.

#### Present Invention

The present invention, as recited in claim 1, relates to a silver halide photographic light-sensitive material comprising at least one dye compound having a plurality of dye chromophores, provided that at least one of said dye chromophores is a methine dye chromophore containing a basic nucleus consisting of a monocyclic heterocyclic ring.

Disclosure of Hioki '894

Hioki '894 discloses a silver halide photographic emulsion comprising a silver halide grain having a spectral absorption maximum wavelength of less than 500 nm and a light absorption intensity of 60 or more or having a spectral absorption maximum wavelength of 500 nm or more and a light absorption intensity of 100 or more. When a maximum value of the spectral absorption factor of said emulsion by a sensitizing dye is  $A_{max}$ , the distance between the shortest wavelength showing 80% of  $A_{max}$  and the longest wavelength showing 80% of  $A_{max}$  is 20 nm or more and the distance between the shortest wavelength showing 50% of  $A_{max}$  and the longest wavelength showing 50% of  $A_{max}$  is 120 nm or less.

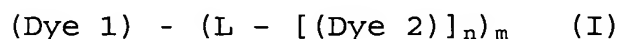
Disclosure of Parton '893

Parton '893 discloses a silver halide photographic material comprising at least one silver halide emulsion comprising silver halide grains having associated therewith a combination of two or more dyes comprising: (a) a first dye which is a cyanine dye of and has a net charge of zero or -1 wherein the dye and the substituents are as defined in the specification; (b) a second

dye which has at least one substituent that has a positive charge, and is a cyanine dye, a merocyanine dye, an arylidene dye, a complex cyanine dye, a complex merocyanine dye, a homopolar cyanine dye, a hemicyanine dye, a styryl dye, a hemioxonol dye, an oxonol dye, an anthraquinone dye, a triphenylmethane dye, an azo dye type, azomethines, or a coumarin dye, with the proviso that if the second dye is a cyanine dye, it has the structure of formula IIa as defined in the specification with substituents as defined in the specification. The wavelength of maximum light absorption of the first dye, in nanometers (nm), and the wavelength of maximum light absorption of the second dye differ by at least 10 nm.

#### Disclosure of Parton '770

Parton '770 discloses a silver halide photographic element that comprises at least one silver halide emulsion spectrally sensitized by a molecule of formula I:



wherein Dye 1 comprises a first chromophore and Dye 2 comprises a second chromophore, wherein Dye 1 adsorbs to silver halide more strongly than Dye 2, and Dye 1 absorbs light at a longer wavelength than Dye 2. L is an organic linking group containing

at least one hetero atom which is not part of an amide or ester group, and m and n are independently an integer of 1-3.

Disclosure of Vishwakarma '738

Vishwakarma '738 discloses a novel red-sensitizing dye compound that has a structure which contains a pentamethine oxonol chromophore linked to one or two cyanine chromophores. A photographic element comprises a support upon which is coated a silver halide emulsion layer comprising cubic silver halide crystals and said red-sensitizing dye compound.

Removal of the Rejections over Hioki '894, Parton '893, Parton '770, and Vishwakarma '738

None of Hioki '894, Parton '893, Parton '770, or Vishwakarma '738 disclose a single example of a methine dye chromophore containing a basic nucleus consisting of a monocyclic heterocyclic ring. Accordingly, none of Hioki '894, Parton '893, Parton '770, or Vishwakarma '738 can anticipate the instant invention because they fail to disclose the elements of the instantly claimed invention. All of the examples of methine dye chromophores in Hioki '894, Parton '893, Parton '770, or Vishwakarma '738 are polycyclic heterocyclic rings. Because the generic teachings in all of Hioki '894, Parton '893, Parton

'770, and Vishwakarma '738 do not include a limited number of species that is "at once envisaged" from the formula, they cannot anticipate the instant invention. (Please see MPEP §2132.02 regarding the disclosure necessary for an anticipation rejection). Accordingly, an anticipation rejection is inapposite. Withdrawal of the rejections is warranted and respectfully requested.

Regarding claim 20, Applicants submit that an anticipation rejection is also inapposite because at page 11, lines 16-20 (particularly lines 18-20) a monocyclic heterocyclic ring is defined to preclude condensed aromatic rings. Thus, because all of the methine dye chromophores in Hioki '894, Parton '893, Parton '770, and Vishwakarma '738 are polycyclic heterocyclic rings where the condensed ring is aromatic, the definition of monocyclic heterocyclic ring does not include any of the examples enumerated in any of Hioki '894, Parton '893, Parton '770, or Vishwakarma '738. Thus, an anticipation rejection of claim 20 over Hioki '894, Parton '893, Parton '770, or Vishwakarma '738 is unwarranted.

With the above remarks and amendments, Applicants believe that the claims, as they now stand, define patentable subject

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matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

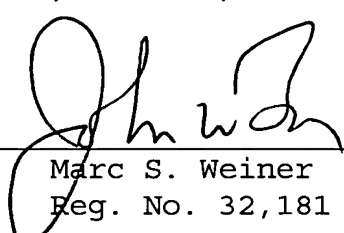
If any questions remain regarding the above matters, please contact Applicant's representative, Craig A. McRobbie (Reg. No. 42,874), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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